



UNCITRAL Working Group II Colloquium on Recognition and Enforcement of Electronic Arbitral Awards

Programme



Venue: Boardroom D, Vienna International Center (VIC), Vienna
Date: 1 October 2024 – 2 October 2024
Time: 9:30 - 12:30; 14:00 - 17:00 Vienna/ CEST (UTC+2)

BACKGROUND

The eightieth session of the Working Group is scheduled to be held at the Vienna International Centre from 30 September to 4 October 2024, with 1 and 2 October 2024 being devoted to the colloquium on recognition and enforcement of electronic arbitral awards. The webpage of the colloquium is found at <https://uncitral.un.org/en/gateway/meetings/events>.

At its fifty-seventh session, the Commission considered the notes by the Secretariat on progress report (A/CN.9/1189) and future work proposals (A/CN.9/1190) of the stocktaking of developments in dispute resolution in the digital economy (DRDE). The latter document proposed legislative options for the recognition and enforcement of electronic arbitral awards and suggested that the Commission consider mandating a Working Group to proceed with this topic.

After discussion, the Commission mandated Working Group II to work on the recognition and enforcement of electronic arbitral awards and, subsequently, on electronic notices of arbitration. In this regard, the Commission provided the Working Group with a broad mandate to identify the issues and explore appropriate solutions to address those issues without prejudice to the final form of the outcome. Hence, the Commission requested that the Secretariat organize a two-day colloquium during the eightieth session of the Working Group to further assess the issues with respect to the use of electronic awards.

Participants at the Colloquium are invited to contribute to the discussion on those issues. Virtual participation (listening-in only) will be facilitated, while participants are strongly encouraged to attend and contribute to the colloquium in person.

Programme

Tuesday, 1 October 2024

9:00	Registration of participants
9:30	Welcome Address and Introduction <i>José Angelo Estrella-Faria, Principal Legal Officer, UNCITRAL secretariat</i> <i>Nobuyuki Kikuchi, Minister-Counsellor, Permanent Mission of Japan to the International Organizations in Vienna</i>
9:45 – 12:30	<p>1. <i>Perspectives from arbitral institutions</i></p> <p><i>This panel will discuss issues related to electronic awards from the perspectives of arbitral institutions. The panel will seek experience of arbitral institutions in embracing digital means in the process of signing and issuing awards and its associated challenges: i) Current practice of making and delivering electronic awards in arbitral proceedings administered by arbitral institutions, including possibly through statistics; ii) sharing of experience in the digitalization of signing and issuing electronic awards and associated challenges; iii) how institutional arbitration rules address electronic awards; and iv) any others issues that recourse to electronic awards could raise in arbitral proceedings from their experience.</i></p> <p>Moderator: <i>Nadine Lederer, Legal Officer in the Division for Arbitration and International Civil Procedure Law II, Federal Ministry of Justice, Germany</i></p> <p>Speakers:</p> <ul style="list-style-type: none">• <i>Alexander G. Fessas, Secretary General, ICC International Court of Arbitration; Director, International Chamber of Commerce (ICC) Dispute Resolution Services</i>• <i>Evgeniya Goriatcheva, Senior Legal Counsel and Head of the Permanent Court of Arbitration (PCA) Vienna Office, Austria</i>• <i>Nicolas Lozada Pimiento, Arbitrator and Tribunal Secretary at the Chambers of Commerce of Bogota, Medellín and Cali, Colombia</i>• <i>Shinji Ogawa, Case Manager of Arbitration & Mediation Department at the Japan Commercial Arbitration Association (JCAA)</i>• <i>Eliana Tornese, Registrar of London Court of International Arbitration (LCIA)</i>• <i>Tomas Vaal, Secretary General of the Netherlands Arbitration Institute (NAI)</i>• <i>Hamed Merah, CEO of Saudi Centre for Commercial Arbitration (SCCA)</i> <p>Delegates and speakers of other panels will have the opportunity to engage in open discussion, asking questions and sharing their insights during the panel discussions.</p>
12:30	Lunch

Tuesday, 1 October 2024

2. Perspectives from courts

This panel will discuss the experience of digitalization in national court proceedings, focusing on the electronic rendering and enforcement of judgments. It will also review how courts are treating or could treat electronic awards in their processes for recognition and enforcement under various domestic laws: i) Experience of digitalization in national court proceedings, with focus on electronic rendering and enforcement of judgments; ii) Current practice of electronic awards in court enforcement proceedings, including possibly through statistics; iii) Enforcement of electronic awards under domestic law; iv) Electronic filing of applications seeking enforcement of electronic awards and the supply of electronic awards via electronic means; v) Physical filing of applications seeking enforcement of electronic awards and the supply of electronic awards printed out on paper; and vi) Other issues on electronic awards that arise in court enforcement proceedings.

14:00 –
17:00

Moderator: *Chloé Terraube, Legal officer, Department of judicial cooperation, European and private international law, Civil Affairs Department, Ministry of Justice, France*

Speakers:

- *Ann Medioni, Judge at Attunda District Court, Stockholm, Sweden*
- *Shusuke Kakiuchi, Professor at the University of Tokyo, Japan*
- *Jiyong Jang, High Court Judge at the Suwon High Court, Republic of Korea*
- *Elizabeth Stong, U.S. Bankruptcy Judge for the Eastern District of New York, United States*
- *Reinmar Wolff, Assistant Professor at Philipps University of Marburg, Germany*
- *Gloria Chevesich, Judge, Supreme Court of Justice, Chile*

Delegates and speakers of other panels will have the opportunity to engage in open discussion, asking questions and sharing their insights during the panel discussions.

17:00

Closing of Day 1

Programme

Wednesday, 2 October 2024

9:00	Registration of participants and opening of the second day
9:30 10:30	<p>3. An overview of UNCITRAL’s texts on electronic commerce and electronic communication</p> <p><i>This panel will be dedicated to providing an overview of UNCITRAL existing texts on electronic commerce and electronic communication, including the United Nations Convention on the Use of Electronic Communications in International Contracts (ECC) and the UNCITRAL Model Law on Electronic Commerce (MLEC), especially the application of the foundational principles of non-discrimination, functional equivalence and technology neutrality on which they are based.</i></p> <p>Speaker:</p> <ul style="list-style-type: none">• José Angelo Estrella Faria, Principal Legal Officer, UNCITRAL secretariat <p>Delegates and speakers of other panels will have the opportunity to engage in open discussion, asking questions and sharing their insights after the presentation.</p>
10:30- 12:30	<p>4. Interface between UNCITRAL arbitration and e-commerce texts.</p> <p><i>The discussions in this panel will focus on consistency across UNCITRAL instruments and capitalize on the solution they provide. Accordingly, this session will discuss whether and how existing UNCITRAL instruments such as the ECC and MLEC may support the reliance on electronic awards.</i></p> <p>Moderator: Héctor Flores Senties, Partner, Abascal, Flores and Segovia (AFS)</p> <p>Speakers:</p> <ul style="list-style-type: none">• Teresa Rodriguez de las Heras Ballell, Full Professor of Commercial Law, Department of Private Law, Universidad Carlos III de Madrid• Zheng (Sophia) Tang, Full Professor and Associate Dean, Wuhan University; Visiting Professor, Newcastle University• Kabir Duggal, Senior International Arbitration Advisor, Arnold and Porter and Lecture-in-law, Columbia Law School* <p>Delegates and speakers of other panels will have the opportunity to engage in open discussion, asking questions and sharing their insights during the panel discussions.</p>
12:30	Lunch
14:00- 17:00	<p>5. Roundtable discussion – exploring desirable approaches.</p> <p><i>To discuss the desirability of the options outlined in A/CN.9/1190 and any other possible avenues to consider in taking the work forward by Working Group II.</i></p> <p>Moderator: Andrés Jana, Chair of Working Group II (80th session of UNCITRAL WGII)</p>

	<p>Speakers:</p> <ul style="list-style-type: none"> • <i>Lars Markert, Partner at Nishimura & Asahi, Japan (international dispute resolution group)*</i> • <i>Pietro Ortolani, Professor of Digital Conflict Resolution at Radboud University, the Netherlands</i> • <i>Gaston Kenfack, Magistrate in Cameroon, the Director of Legislation at the Ministry of Justice, Cameroon</i> • <i>Marika Paulsson, Professor, Strategic Advisor Bahrain Economic Development Board</i> <p>Delegates and speakers of other panels will have the opportunity to engage in open discussion, asking questions and sharing their insights during the roundtable discussion.</p>
17:00	Closing of the Colloquium

Asterisk () for indicating speakers participating online.*